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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,637	05/18/2000	John J. Johnson IV	30603UT1002	8108

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EXAMINER

HWU, DAVIS D

ART UNIT

PAPER NUMBER

3752

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/574,637

Applicant(s)

JOHNSON, JOHN J.

Examiner

Davis Hwu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27,29-32,36-41 and 43-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27,29-32,36-41 and 43-47 is/are rejected.
- 7) ☒ Claim(s) 48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Applicant's election of claims 27, 29-32, 36-41, 43-48, and 51-55 for examination is acknowledged. Applicant is kindly reminded that all non-elected claims must be cancelled when this application is allowed.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 36 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to what whether the tank is delivering a component capable of forming foam or the foam itself.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 27, 29, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Schaffler.

The patent to Schaffler shows an emergency response vehicle, the vehicle comprising:

- a wedge-shaped nose (Column 2, lines 15-16);
- at least one emergency response fluid delivery tank 4 in which the tank comprises at least one modular auxiliary tank as recited in claim 29;

- an engine and a window 16;
- a rigid frame for withstanding impacts with obstacles in the path of the vehicle as recited in claim 37.

6. Claim 27 is rejected under 35 U.S.C. 102(b) as being anticipated by Androsov et al.

The patent to Androsov et al. shows an emergency response vehicle, the vehicle comprising:

- a wedge-shaped nose (see the figure);
- at least one emergency response fluid delivery tank 3;
- an engine.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 27, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veath, Sr.

The patent to Veath, Sr. discloses a vehicle comprising a fluid delivery tank, an engine, and three wheels (Column 6, lines 44-45) making a triangular wheel base as recited in claim 39. Each of the three wheels is driven by its own hydraulic motor (Column 7, lines 4-11), which will provide left and right brakes wherein the brakes comprise separate controllability as recited in claim 40. Veath, Sr. does not disclose the wedge shaped

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nose. It would have been an obvious matter of design choice to have made the nose of the vehicle wedge shaped, since such a modification would have involved a mere change in the shape of a component which is generally recognized as being within the level of ordinary skill in the art when there is no disclosure as to the significance of such a modification. This vehicle can be used in emergency situations.

9. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffler in view of Bolton et al.

The patent to Schaffler discloses the instant invention except for the at least one window being resistant to fire. The patent to Bolton et al. teaches providing fire resistant windows to vehicles for fire protection. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Schaffler by providing a fire resistant window as taught by Bolton et al. for fire protection.

10. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffler in view of Atkins.

The patent to Schaffler discloses the instant invention except for the chain and sprocket steering mechanism. The patent to Atkins teaches a vehicle having a chain and sprocket steering system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated into the vehicle of Schaffler a chain and sprocket steering system as taught by Atkins since Atkins teaches that such arrangements are known to one of ordinary skill in the art and the vehicle of Schaffler would function properly with such arrangements.

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11. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffler.

The patent to Schaffler discloses the instant invention except for the dimensions as recited. It would have been an obvious matter of design choice to have made the vehicle according to dimensions claimed, since such a modification would have involved a mere change in the size of a component which is generally recognized as being within the level of ordinary skill in the art when there is no disclosure as to the criticality of such a modification.

12. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Androsov et al. in view of Carrier.

The patent to Androsov et al. discloses the instant invention except for the amount of foam as recited. The patent to Carrier teaches a fire fighting vehicle having a tank with fire-retarding chemicals which is capable of producing at least 34,000 liters of fire-suppressing foam. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the vehicle of Androsov et al. by providing enough chemicals in order to produce at least 34,000 liters of foam as taught by Carrier in order to provide adequate amounts of fire fighting foam.

13. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Androsov et al. in view of Forsyth.

The patent to Androsov et al. discloses the instant invention except for the vehicle comprising at least one attachment as recited. The patent to Forsyth teaches a fire fighting vehicle which is capable of being airlifted to a destination. It would have been

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obvious to one having ordinary skill in the art at the time the invention was made to have modified the vehicle of Androsov et al. by providing at least one attachment point for airlifting and airdropping the vehicle as taught by Forsyth in order to quickly place the vehicle a particular location to fight fires.

14. Claims 41, 43, 46, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veath, Sr.

The patent to Veath, Sr. discloses a vehicle comprising a modular auxiliary fluid delivery tank as recited in claim 43, an engine, and three wheels (Column 6, lines 44-45) including a front wheel and two rear wheels as recited in claim 47 making a triangular wheel base. Each of the three wheels is driven by its own hydraulic motor (Column 7, lines 4-11), which will provide left and right brakes wherein the brakes comprise separate controllability as recited in claim 40. Veath, Sr. does not disclose the wedge shaped nose. It would have been an obvious matter of design choice to have made the nose of the vehicle wedge shaped, since such a modification would have involved a mere change in the shape of a component which is generally recognized as being within the level of ordinary skill in the art when there is no disclosure as to the significance of such a modification. This vehicle can be used in emergency situations. Veath, Sr. does not disclose the dimensions as recited in claim 46. It would have been an obvious matter of design choice to have made the vehicle according to dimensions claimed, since such a modification would have involved a mere change in the size of a component which is generally recognized as being within the level or ordinary skill in the art when there is no disclosure as to the criticality of such a modification.

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15. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Veath, Sr. in view of Bolton et al.

The patent to Veath, Sr. discloses the instant invention except for the at least one window being resistant to fire. The patent to Bolton et al. teaches providing fire resistant windows to vehicles for fire protection. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Veath, Sr. by providing a fire resistant window as taught by Bolton et al. for heat protection since the coating materials are often very hot when spread.

16. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Veath, Sr. in view of Atkins.

The patent to Veath, Sr. discloses the instant invention except for the chain and sprocket steering mechanism. The patent to Atkins teaches a vehicle having a chain and sprocket steering system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated into the vehicle of Veath, Sr. a chain and sprocket steering system as taught by Atkins since Atkins teaches that such arrangements are known to one of ordinary skill in the art and the vehicle of Veath, Sr. would function properly with such arrangements.

Allowable Subject Matter

17. Claim 48 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Bower is pertinent to Applicant's invention.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis Hwu whose telephone number is 703-305-1663.

The examiner can normally be reached on M-F 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on (703)308-1946. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7766 for regular communications and (703)308-7766 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0861.

A handwritten signature in black ink, appearing to be 'DDH', followed by a horizontal line.

DDH
July 11, 2002